

## **REMARKS**

By this amendment, claims 53-60 have been cancelled without prejudice or disclaimer and claims 1, 3, 12-14, 23-25, 27, 31, 33, 37, 38, 44, 45 and 49-52 have been amended to more particularly define the invention and even more clearly distinguish over the prior art of record. No new claims have been added. Claims 5, 6, 18, 19, 29, 30, 35 and 36 have been previously cancelled. Currently, claims 1-4, 7-17, 20-28, 31-34 and 37-52 are pending in the application, of which claims 1, 14, 25, 31, 37, 44, 49 and 51 are independent.

Entry of this Amendment is respectfully requested because it places the present application in condition for allowance, or in the alternative, better form for appeal. Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. In view of the above Amendments and the following Remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections for the reasons discussed below.

### **Rejection of Claims under 35 U.S.C. § 112, First Paragraph**

Claims 37-52 and 57-60 stand rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Applicant respectfully traverses this rejection for at least the following reasons.

In this response, independent claims 37 and 38 have been amended to delete certain claim recitations, as suggested in the Office Action. Independent claims 44, 49

and 51 and dependent claims 45, 50 and 52 have been amended in a similar manner. Claims 57-60 have been cancelled.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, first paragraph rejection of claims 37-52.

### **Rejection of Claims under 35 U.S.C. § 112, Second Paragraph**

Claims 37-48, 51, 52, 57, 58 and 60 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicant respectfully traverses this rejection for at least the following reasons.

As noted above, in this response, independent claim 37 has been amended to delete certain claim recitations, as suggested in the Office Action. Independent claims 44 and 51 have been amended in a similar manner. Claims 57, 58 and 60 have been cancelled.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph rejection of claims 37-48, 51 and 52.

### **Rejection of Claims under 35 U.S.C. § 103**

Claims 1, 2, 7-11, 14, 15, 20-22, 25, 26, 31, 32 and 53-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,405,258 issued to Erimli (hereafter, "Erimli") and in view of U.S. Patent No. 7,027,457 issued to Chiussi (hereafter "Chiussi"). Applicant respectfully traverses this rejection for at least the following reasons.

In this response, independent claim 1 have been amended to recite

“...  
an egress module configured to retrieve the frames of data from the one or more buffers, transmit the retrieved frames of data to a second channel, and exercise flow control on the first channel for each of the classes of service when the count for the class of service exceeds a dynamic pause threshold for the class of service, the dynamic pause threshold defined by

$$Pondyn = Kon \times FreeSize \pm Offset,$$

wherein Pondyn is the dynamic pause threshold, Kon and Offset are constants and FreeSize is a number of pointers available for the received frames of data.”

An adequate description and support for the these claimed features are provided in the specification, for example, paragraphs [0046], [0047] and [0048]. It is respectfully submitted that none of the cited references shows or described the dynamic pause threshold defined by the equation “*Pondyn = Kon x FreeSize ± Offset*” as recited in claim 1.

For at least this reason, it is respectfully submitted that it would not have been obvious to modify and combine the teachings of Erimli and/or Chiussi, whether taken alone or in any proper combination, to arrive at the invention recited in, e.g., claim 1. Independent claims 14, 25 and 31 have been amended in a similar manner. Thus, it is submitted that claims 1, 14, 25 and 31 are patentable over Erimli and/or Chiussi, whether taken alone or in any proper combination. Claims 2, 7-11, 15, 20-22, 26 and 32 depend from independent claims 1, 14, 25 and 31, and are patentable for at least the reasons provided above with regard to claims 1, 14, 25 and 31, as well as further reasons related to their own recitations. Claims 53-56 have been cancelled.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2, 7-11, 14, 15, 20-22, 25-26, 31 and 32 under 35 U.S.C. § 103(a).

Claims 3, 4, 12, 13, 16, 17, 23, 24, 27, 28, 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Erimli in view of Chiussi and in further view of U.S. Publication No. 2003/0123393 issued to Feuerstraeter (hereafter "Feuerstraeter"). Applicant respectfully traverses this rejection for at least the following reasons.

Claims 3, 4, 12, 13, 16, 17, 23, 24, 27, 28, 33 and 34 are dependent from independent claims 1, 14, 25 and 31. As noted above, independent claims 1, 14, 25 and 31 are patentable over Erimli and/or Chiussi, whether taken alone or in any proper combination, because, *inter alia*, they fail to show or describe the dynamic pause threshold defined by the equation " $Pondyn = Kon \times FreeSize \pm Offset$ " as recited in claims 1, 14, 25 and 31. Feuerstraeter fails to cure the deficiency of Erimli and Chiussi because, for example, Feuerstraeter fails to show or describe the dynamic pause threshold value defined by the equation recited in claims 1, 14, 25 and 31.

For at least these reasons, it is respectfully submitted that it would not have been obvious to modify and combine the teachings of Erimli, Chiussi and/or Feuerstraeter, whether taken alone or in any proper combination, to arrive at the invention recited in, e.g., claims 1, 14, 25 and 31. Thus, it is submitted that claim 1, 14, 25 and 31 are patentable over Erimli, Chiussi and/or Feuerstraeter, whether taken alone or in any proper combination. Claims 3, 4, 12, 13, 16, 17, 23, 24, 27, 28, 33 and 34 depend from

independent claims 1, 14, 25 and 31, and are patentable for at least the reasons provided above with regard to claims 1, 14, 25 and 31, as well as further reasons related to their own recitations.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3, 4, 12, 13, 16, 17, 23, 24, 27, 28, 33 and 34 under 35 U.S.C. §103(a).

#### **Other Matters**

In addition to the amendments mentioned above, claims 3, 12, 13, 23, 24, 27, 33, 45, 50 and 52 have been amended to be consistent with the amendments to their respective base claims.

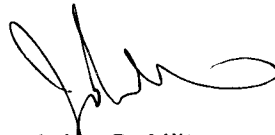
## CONCLUSION

Applicant believes that a full and complete response has been made to the Office Action and respectfully submits that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully Submitted,



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